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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,312	02/25/2002	David Kammer	PALM-3741.US.P	5496

7590 10/10/2007

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EXAMINER	
TRAN, TUAN A	
ART UNIT	PAPER NUMBER
2618	

MAIL DATE	DELIVERY MODE
10/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/083,312	KAMMER ET AL.	
	Examiner	Art Unit	
	Tuan A. Tran	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 13-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 13-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e))

1. Claims 1-5, 13-17 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Phillipps (WO 02/09362).

Regarding claims 1 and 19, Phillipps discloses a system and method of establishing a Bluetooth wireless connection between handheld computers (See fig. 2) comprising: a) storing a plurality of Bluetooth device identifications corresponding to a plurality of handheld computer systems on a memory resident list of a specific handheld

computer system (See page 3, lines 30-34); b) accessing the device identifications on the specific handheld computer system (See page 3, lines 30-34); c) and establishing a Bluetooth connection between the specific handheld computer system and the plurality of handheld computer systems, wherein the establishing bypasses a Bluetooth discovery process (See page 4, lines 1-2).

Claim 13 is rejected for the same reasons as set forth in claims 1 and 19, as apparatus.

Regarding claims 2 and 20. Phillipps discloses as cited in claims 1 and 19. Phillipps further discloses at least one of the plurality of Bluetooth device identifications is automatically determined in communications between the specific handheld computer system and members of the plurality of handheld computer systems prior to step c) (See page 3, lines 27-28).

Claim 14 is rejected for the same reasons as set forth in claims 2 and 20, as apparatus.

Regarding claims 3 and 21, Phillipps discloses as cited in claims 1and 19. Phillipps further discloses at least one of the plurality of Bluetooth device identifications is entered by a user of the specific handheld computer system (See page 3 line 34 to page 4 line 1).

Claim 15 is rejected for the same reasons as set forth in claim 3 and 21, as apparatus.

Regarding claims 4 and 22, Phillipps discloses as cited in claims 1 and 20. Phillipps further discloses step b) further comprises: b1) accessing the plurality of

device identifications; b2) displaying representations of the plurality of device identifications on a display of the specific handheld computer system; b3) and including at least one handheld computer system corresponding to one of the plurality of Bluetooth device identifications in the Bluetooth wireless connection (See page 3 line 30 to page 4 line 2).

Claim 16 is rejected for the same reasons as set forth in claims 4 and 22, as apparatus.

Regarding claims 5 and 23. Phillipps discloses as cited in claims 4 and 22. Phillipps further discloses one of the representations of the plurality of device identifications is a Bluetooth friendly name (known Bluetooth device type) (See page 4 lines 23-34).

Claim 17 is rejected for the same reasons as set forth in claims 5 and 23, as apparatus.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 6, 18 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillipps (WO 02/09362) in view of Johansson et al. (2002/0044549).

Regarding claims 6 and 24, Phillipps discloses as cited in claims 1 and 20. However, Phillipps does not mention the step of beginning the Bluetooth discovery

process in responsive to a failure of step c). Since Johansson teaches a method of forming efficient scatternet (See fig. 3), wherein Johansson suggests that the Inquiry process (Bluetooth discovery process) should be invoked by every node periodically in order to detect new node or adapt to new connectivity conditions due to mobility or obstacles (See page 5 [0070]) and one known reason for a failure of establishing Bluetooth connection is devices that are out of range; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the concept of Johansson for configuring the system, as disclosed by Phillipps, to invoke the Inquiry process (or discovery process) in responsive to a failure of establishing Bluetooth connection for the advantage of adapting to new connectivity conditions as well as allowing the user of the device to look for other compatible or available devices for connection.

Claim 18 is rejected for the same reasons as set forth in claim claims 6 and 24, as apparatus.

Response to Arguments

Applicant's arguments filed 07/06/2007 have been fully considered but they are not persuasive.

The Applicant argued that Phillipps teaches away claimed subject matters as recited in claim 1 (See Remark, page 8-9). The Examiner respectfully disagrees with the Applicant's argument because Phillipps page 3 lines 30-34 and page 4 lines 1-2, as cited in the Office Action mailed on 12/14/2005, does clearly show each and every single limitations of claim 1 wherein the establishment of a Bluetooth connection

bypasses a Bluetooth discovery process. Further, the claim (claim 1) itself is not narrow enough to prevent the stored Bluetooth device identification, for the establishment of the Bluetooth connection, **from being obtained by communications (Bluetooth inquiry process) in the past**.

The Applicant argued that Phillipps fails to teach or suggest the limitation of "said device identification is entered by a user of said second handheld computer system" as recited in claim 3 (See Remark, page 10). The Examiner respectfully disagrees with the Applicant's argument because **keying a phone number (by depressing 7 to 10 digits) or selecting an entry from the phone directory is a way to enter the phone number to place a call from a mobile communication device** and Phillipps does clearly show this limitation (See page 3 line 30 to page 4 line 2).

The Applicant argued that Johansson teaches time as triggering discovery while the instant limitation utilizes a failure to connect with a known device as a trigger, and therefore the rejection based on Phillipps and Johansson fails to establish the obviousness (See Remark, page 13). The examiner respectfully disagrees with the applicant's argument. The examiner agrees with the applicant that the discovery is triggered periodically. However, the concept behinds this action, as suggested by Johansson, is to detect new nodes or **adapt to new connectivity conditions** due to obstacles or mobility of Bluetooth devices and one known reason for a failure of establishing Bluetooth connection is devices that are out of range (**connectivity condition changes**); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply this concept of Johansson for

configuring the system, as disclosed by Phillipps, to invoke the Inquiry process (or discovery process) in responsive to a failure of establishing Bluetooth connection for the advantage of adapting to new connectivity conditions as well as allowing the user of the device to look for other compatible or available devices for connections.

For these reasons, the rejections are proper and maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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